

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLY FINANCIAL, INC.	:	CIVIL ACTION
<i>F/K/A GMAC INC.</i>	:	
	:	No. 11-7709
v.	:	
	:	
MENTE CHEVROLET OLDSMOBILE, INC.	:	
<i>F/K/A MENTE CHEVROLET, INC.</i>	:	
<i>TRADING AS MENTE CHEVROLET, et al.</i>	:	

ORDER

AND NOW, this 28th day of September, 2012, it is ORDERED:

- Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction (Document 2) is DENIED as moot;
- Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction (Document 4) is GRANTED; the relief requested herein was resolved at the December 19, 2011, hearing before Judge Mitchell S. Goldberg through his December 20, 2011, Order granting Plaintiff's unopposed motion for order to deposit disputed funds into the Court's registry;
- Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Rule 12(b)(6) or, in the Alternative, to Strike Portions of Thereof Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure (Document 16) is GRANTED; Plaintiff's Complaint, including Counts I-IV therein, are dismissed with prejudice;
- Defendants' Motion for Sanctions Against Plaintiff's Counsel Under 28 U.S.C. § 1927, Local Civil Rule 83.6.1 and the Inherent Powers of the Court (Document 18) is GRANTED. The following sanctions will be imposed in favor of Defendants and

against Plaintiff's counsel pursuant to 28 U.S.C. § 1927 and Local Civil Rule 83.6.1:

- Attorneys' fees and costs for the preparation of Defendants' motion for sanctions against Plaintiff's counsel under 28 U.S.C. § 1927 and Local Civil Rule 83.6.1;
- Attorneys' fees and costs for the preparation of Defendants' motion to dismiss Plaintiff's Complaint; and
- An Order directing the Clerk of Court to release the escrowed funds from Civil Action No. 08-2403 to Defendants' counsel.

Counsel for Defendants is directed to submit documentation supporting their time and costs with respect to the relief awarded above on or before October 10, 2012.

- Defendants' Motion for Sanctions Against Plaintiff and its Counsel Under Rule 11 of the Federal Rules of Civil Procedure (Document 19) is GRANTED. The following sanctions will be imposed in favor of Defendants and against Plaintiff and Plaintiff's counsel pursuant to Federal Rule of Civil Procedure 11:

- An Order dismissing Plaintiff's Complaint in its entirety with prejudice;
- Attorneys' fees and costs for the preparation of Defendants' motion for sanctions against Plaintiff and Plaintiff's counsel under Rule 11;
- Attorneys' fees and costs for the preparation of Defendants' motion to dismiss Plaintiff's Complaint; and
- An Order directing the Clerk of Court to release the escrowed funds from Civil Action No. 08-2403 to Defendants' counsel.

Counsel for Defendants is directed to submit documentation supporting their time and costs with respect to the relief awarded above on or before October 10, 2012.

- Defendants' Combined Emergency Motion and Memorandum for an Order Immediately Releasing Funds Deposited in the Registry of the Court (Document 21)

is GRANTED. The Clerk of Court is DIRECTED to RELEASE the escrowed funds from Civil Action No. 08-2403 to counsel for Defendants Mente Chevrolet Oldsmobile, Inc., et al.

The Clerk of Court is further DIRECTED to mark this case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.